

No. 11(112)-3Lab-79/1833.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Faridabad, in respect of the dispute between the workmen and the management of M/s. Eicher Tractors India Ltd., Faridabad :—

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA,
FARIDABAD.

Reference No. 55 of 1978.

between

SHRI SATYA PARKASH, WORKMAN
AND THE MANAGEMENT OF M/S.
EICHER TRACTOR INDIA LTD.,
FARIDABAD.

Present :—

Shri Bhim Singh, for the workman.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/FD/631-77/8381, dated 21st February, 1978, the Governor of Haryana, referred the following dispute between the management of M/s. Eicher Tractor India Ltd., Faridabad and its workman Shri Satya Parkash, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Satya Parkash was justified and in order ? If not, to what relief is he entitled ?

On receipt of the orders of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed on 1st June, 1978 :—

1. Whether the workman raised

the demand with the management directly and properly ?

2. Whether the workman abandoned his job of his own by absenting himself for more than the prescribed period in Standing Orders ?

3. If issue No. 2 is not proved, whether the termination of services of the workman by the management is justified and in order ? If not, to what relief is he entitled ?

And the case was fixed for the evidence of the parties. The management examined their Time Keeper Shri B. S. Thakur as MW-1 who had brought the records and proved Exhibit M-1 to Exhibit M-3. He deposed that he was working since 1964 and he identified the signatures of the Personnel Officer Shri R. M. Jain on Exhibit M-5. He further deposed that the workman was absent from 1st June, 1977 to 14th June, 1977. The workman was also absent from 23rd May, 1977 to 31st May, 1977. He also proved Exhibit M-7 and M-8. In cross-examination he stated that the name of the workman was struck off the rolls on and from 15th June, 1977. He could not tell whether intimation was sent to the workman or not that the name of the workman was struck off on 15th June, 1977 as it did not relate to him. He also stated that the workman was on medical leave upto 22nd May, 1977. The management also examined their Senior Assistant Shri K. N. Sharma as MW-2 who proved Exhibit M-9 to M-15. The management closed their case. Then the case was fixed for the evidence of the workman who examined himself as WW-1 and stated that he had gone on one day's leave on 23rd April, 1977. 24th April, 1977 was holiday. He had gone to Dadri. While on leave he suffered pain of Appendicitis resulted from bladder stone. He had suffered from this disease previously also. He got treatment for a day or two hoping that he shall be well. He sent a medical certificate to the management,—vide registered post Exhibit W-1. The

The medical was for the period from 1st May, 1977 to 7th May, 1977. He had sent an application for extension of leave from 1st May, 1977 to 25th May, 1977. Thereafter he had sent another medical certificate for the period from 8th May, 1977 to 23rd May, 1977,—vide Exhibit W-2. He had sent another medical certificate,—vide Exhibit W-3 for the period upto 22nd June, 1977. He did not send any medical certificate for the period after 22nd June, 1977, nor attended his duty on 22nd June, 1977 and 23rd June, 1977. He got serious, hence could not send any certificate. The Doctor had told him to attend his duty with fitness certificate which shall cover the period of illness. As per the fitness certificate he had to join duty on 24th August, 1977. He produced Exhibit W-4, W-5, W-6 and proof of illness and fitness. He attended the factory on 24th August, 1977 but the management did not take him on duty. He had given Exhibit W-4, W-5 and W-6 to the management in time office but they did not receive it and returned. In cross-examination he stated that the Doctor issued him a certificate regarding his disease Appendicitis. He was not operated upon. He had no prescription slip. He took his treatment at Gaziabad. He had reached there on 3rd or 4th May, 1977. He further stated that the Doctor was alive. He further stated in cross examination that the Doctor might have named the disease as fever also. He denied that his certificates were bogus and that he was habitual of absentism. He admitted that he might not have attended the factory when fell sick. He admitted Exhibit M-1 as his application and the signatures thereon. He further admitted that a warning was administered to him,—vide Exhibit M-16. He further stated in cross examination that the distance between Gaziabad and Dadri is eleven miles. He was a member of E.S.I. He had got treatment of Appendicitis several times from E.S.I. dispensary. I have gone through the evidence of the parties, oral as well as documentary. Exhibit M-4 is a copy of Certified Standing Orders. Exhibit M-2 is an extract from attendance register showing that the workman was habitual of absentism. In the year 1975, he was present on 139 days only. During

the year 1976 the workman was present on 140 days only, and during the January, 1977, he was present for eight days and in February, 1977 he was present for 21 days, in March 1977 he was present for 24 days. In April, 1977 he is absent from 26th April, 1977 to 30th April, 1977. He is on sick leave without pay from 2nd May, 1977 to 21st May, 1977, 1st May, 1977 and 22nd May 1977 being Sundays. He is marked absent from 23rd May, 1977 till 14th June, 1977 which means that the workman was absent for 23 days continuously. Exhibit M-5 is intimation to the workman striking off his name previously with effect from 22nd May, 1976 which was sent in registered cover Exhibit M-6 which was returned as undelivered. Exhibit M-11 is an application of leave of the workman. Exhibit M-16 is a letter to the workman by the management speaking that his increment was withheld for six months on account of his being habitual of absentism. Exhibit M-9 dated 14th June, 1977 is an intimation to the workman that he was absenting himself from 22nd May, 1977 and he has lost lien on his appointment under clause 11 (iv) of the Company's Certified Standing Orders and, therefore, his name has been struck off the rolls from 14th June, 1977. Exhibit M-7 is the order of the Factory Manager regarding striking of his name. Exhibit M-13 is a medical certificate with effect from 22nd May, 1977 to 25th June, 1977. The certificate describe that the workman was suffering from Typhoid fever. This certificate is not proved by the evidence of the Doctor. Exhibit M-8 is an extract from letters receipt register in which medical certificate was received in the factory of the management on 23rd June, 1977. Exhibit M-12 is a letter from the workman to the management in which the workman himself has stated that he was not attending duty for the last four months and he sent medical certificate till he was in a fit condition and when his condition became more serious, he got helpless in sending medical certificate. Exhibit M-14 is a letter from the Labour Officer-cum-Conciliation Officer to the Labour Commissioner. Exhibit M-15 is

conciliation proceedings. Now I give my findings issuewise :—

ISSUE No. 1

I, decide this issue in favour of the workman. This is now well-settled law that if the workman does not raise demand directly with the management, the reference is not bad.

ISSUE No. 2

There is ample evidence on record documentary, that the workman remained absent continuously for 23 days and according to the statement of the workman, he could not attend his duty for four months although he sent some medical certificates covering some period but he did not send any medical certificate covering the period of 23 days, when he remained unauthorisedly absent. The documentary evidence also proves that the workman was habitual of absentism also. According to sub-clause 4 of clause 11 of the Certified Standing Orders, if a workman does not return within 10 days of the expiry of the leave and explains to the satisfaction of the Manager his inability to return before the expiry of the leave, the workman loses his lien. I, therefore, decide issue No. 2 in favour of the management, holding that the workman abandoned his job of his own by absenting himself for more than the prescribed period in the Standing Orders.

No. 11(112) 3Lab-79/1835.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Anand Synthetics Ltd., Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 64 of 1978

between

SHRI GANDHI GIRI WORKMAN AND THE MANAGEMENT OF M/S ANAND SYNTHETICS LTD., FARIDABAD

Present :

Shri K.B. Kuwar, for the workman.

Nemo, for the management.

ISSUE No. 3

In view of my finding on issue No. 2, issue No. 3 has become redundant.

As a result of my findings on the issues, I answer the reference and give my award that the workman abandoned his job of his own by remaining absent for 23 days in an unauthorised manner and the management never terminated his services. The workman is not entitled to any relief.

Dated the 7th February, 1979.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 139, dated 9th February, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 7th February, 1979.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

AWARD

By order No. ID/FD/8674, dated 24th February, 1978, the Governor of Haryana referred the following dispute between the management of M/s. Anand Synthetics Ltd., Faridabad, and its workman, Shri Gandhi Giri, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Gandhi Giri was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties, parties appeared.

On 6th February, 1979 neither the workman appeared nor his representative. The representative for the management stated that the workman has left for good after receiving all his dues in full and final settlement.

I therefor, given my award that there is no dispute between the parties.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 167, dated the 9th February, 1979

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)3Lab-73/1880.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Saraf Industries Bahadurgarh.

BEFORE SHRI NATHU RAM SHARMA PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 230 of 1978

between

SHRI JAIDEV SINGH, WORKMAN AND THE MANAGEMENT OF M/S SARAF INDUSTRIES,
BAHADURGARH

Present :—

Shri Jaidev Singh, workman in person.

Nemo, for the management.

AWARD

By Order No. ID/RTK/70-78/37462, dated 11th August, 1978, the Governor of Haryana referred the following dispute between the management of M/s Saraf Industries, Bahadurgarh and its workman Shri Jai Dev Singh to this Court, for adjudication, in exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

“Whether the termination of services of Shri Jai Dev Singh was justified and in order ? If not, to what relief is he entitled ?

On receipt of order of reference, notices were issued to the parties. The parties appeared. The case was fixed for filing claim statement by the workman, who filed it. Thereafter the management did not appear, then the management was proceeded against *ex-parte*. Thereafter the management appeared

and applied for setting aside *ex parte* proceeding which were set aside subject to the payment of costs of Rs 40 only and the case was fixed for filing written statement and thereafter the management did not appear nor paid costs. Again the management was proceeded against *ex parte* and the case was fixed for *ex parte* evidence of the workman.

The workman examined himself as his own witness, who stated that his services were terminated by the management without any justification and he was drawing wages @ 175 P. M.

I believe in *ex parte* statement of the workman.

I answer the reference and give my award that the termination of service of Shri Jai Dev Singh, Workman was neither justified, nor in order. The workman is entitled to re-instatement with continuity of services and with full pack wages.

Dated the 6th February, 1979

NATHU RAM SHARMA,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 366, dated 13th February, 1979

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Dispute Act.

NATHU RAM SHARMA,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 11(112)-3Lab-78/1881.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Rohtak in respect of the dispute between the workmen and the management of M/s. Paras Potteries, Bahadurgarh :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 84 of 1978

between

SHRI RAM AGYA AND OTHERS WORKMEN AND THE MANAGEMENT OF
M/S PARAS POTTERIES, BAHADURGARH

Present.—

Nemo, for the Workman.

Shri Jagdish Kumar, for the Management.

AWARD

By order No. ID/RTK/77/250, dated 30th June, 1978, the Governor of Haryana referred the following dispute between the management of M/s. Paras Potteries, Bahadurgarh and its workman Shri Ram Agya and others, to this Labour Court, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of services of Shri Ram Agya and others was justified and in order?
If not, to what relief is he entitled?”

On receipt of the order of reference, notices were issued to the parties. The workman did not appear despite service. The representative for the management appeared. The conduct of the workman rendered their dispute liable to dismissal in default. I therefore give my award that at present no dispute exist between the parties.

Dated the 6th February, 1979.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 365, dated the 13th February, 1979

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Labour Court,
Haryana, Rohtak.

No. 11(112)3Lab-79/1883.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s Aggarwal Composing Agency, Sonapat.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, HARYANA, LABOUR COURT, ROHTAK

Reference No. 78 of 1978

between

SHRI KRISHAN KUMAR AND OTHERS, WORKMEN AND THE MANAGEMENT OF
M/S AGGARWAL COMPOSING AGENCY, SONEPAT

Present:—

Shri Jai Parkash, for the management.

Nemo, for the management.

AWARD

By order No. IN/RTK/557-77/22403, dated 12th May, 1978, the Governor of Haryana referred the following disputes between the management of M/s Aggarwal Composing Agency, Sonapat and its workman Shri Krishan Kumar and others, to this Labour Court, for adjudication, in exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Krishan Lal and others was justified and in order? If not, to what relief are they entitled?

On receipt of order of reference, notices were issued to the parties. The workmen did not appear. The representative for the management appeared, Shri Jai Parkash Gupta, partner of the management examined himself as witness for the management. He stated that management paid to all the workmen named in the reference all their dues as per their request as the workmen wanted to leave their service. Therefore full and final payment was made to the workmen. The workmen were proceeded against *ex-parte*. The case was liable to dismiss-in-default but the management gave their evidence on merits which proved the management did not terminate the service of the workmen rather the workmen left their services and received their dues in full and final settlement and therefore, I, answer the reference and give my award that the services of the workmen were not terminated by the management. The workmen themselves had given up their jobs and received all their dues in full and final settlement. The workmen are not entitled any relief.

NATHU RAM SHARMA,

Dated the 6th February, 1979.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 367, dated the 13th February, 1979.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Labour Court.